

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	11cr184-01 (DLC)
-v-	:	15cv4437 (DLC)
	:	16cv4521 (DLC)
CALIEB BARNES,	:	
	:	<u>ORDER</u>
Defendant.	:	
-----X	:	

DENISE COTE, District Judge:

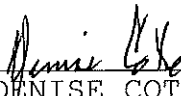
On October 1, 2020, the Court of Appeals for the Second Circuit granted the defendant leave to proceed with a second or successive § 2255 motion in light of Johnson v. United States, 576 U.S. 591 (2015) and United States v. Davis, 139 S. Ct. 2319 (2019). In the mandate returning jurisdiction to this Court, the Court of Appeals noted that the question of the viability of convictions under § 924(c) predicated on attempted Hobbs Act robbery was pending in several appeals before that court. Accordingly, on October 7, this Court stayed the proceedings on the defendant's § 2255 motion, pending the resolution of that legal question in the Second Circuit.

On January 23, 2023, the Court of Appeals ruled on the legal issue raised by the defendant's motion in United States v. McCoy, 58 F.4th 72 (2d Cir. 2023). On June 12, the defendant filed a letter seeking to lift the stay entered in these proceedings. Accordingly, it is hereby

ORDERED that the stay previously entered by this Court is lifted.

IT IS FURTHER ORDERED that, by June 30, 2023, the parties shall propose a briefing schedule for the defendant's § 2255 motion. In this letter the defendant should address whether they wish to supplement the motion filed on September 15, 2022.

Dated: New York, New York
June 14, 2023



DENISE COTE
United States District Judge